



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/725,579

12/03/2003

Poh C. Chua

27592-00107-US2

3455

30678

7590

09/15/2010

CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,579	Applicant(s) CHUA ET AL.	
	Examiner JEAN A. GELIN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/24/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44,45,48-52,55-58 and 63-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44,45,48-52,55-58 and 63-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments in the Appeal Brief filed on September 24, 2009 are persuasive and, therefore, the previous office action has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 44, 45, 48-52, 55-58, 63-70, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 2003/0055560) in view of Turnbull et al. (7,772,966).

Regarding claims 44, 51, and 56, Phillips teaches monitoring a relationship between a wireless device and a vehicle by evaluating location information that specifies a location of the wireless device, that specifies a location of the vehicle, wherein the geographical location information is generated for each of the wireless device and the vehicle by at least one location system, to determine the relationship by comparing the location of the wireless device to the location of the vehicle (in paragraphs [0008]-[0011], a relationship between the terminal and the vehicle exist for displaying at the terminal, the geographic location of the terminal and the geographic location of the vehicle).

Phillips does not specifically teach enabling operation of the wireless device in a hands-free mode if the relationship satisfies a condition.

However, the preceding limitation is known in the art of communication. Turnbull teaches a communication system having a microwave receiver for receiving satellite signals from which location of the vehicle can be satisfied, a control circuit coupled to the microwave receiver can selectively enable or disable certain functions of the telephone system (col. 5, lines 29-58), enabling voice communication in hands-free mode based on the location of the vehicle or based on the geographical position of the mobile phone with respect to vehicle (col. 27, lines 15-20, and col. 36, lines 29-56). Given that both systems are in the same field of endeavor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to implement the hands-free technique taught by Turnbull within the system of Phillips in order that once users come within ranges of their vehicle (such within the vehicle), their portable telephone is disabled and the hands-free telephone installed within the mirror is activated without disruption of the telephone call.

Regarding claims 45, 60, Phillips in view of Turnbull teaches all the limitations above. Turnbull further teaches wherein the relationship indicates that the device is located within the vehicle (one has to be in the car to have access to communication devices in the car, col. 27, lines 15-20, and col. 36, lines 29-56)

Regarding claim 48, Phillips in view of Yamamoto teaches all the limitations above. Turnbull further teaches comprises measuring a signal strength transmitted by the wireless device by a transceiver associated with the vehicle in addition to evaluation

of location (i.e., signal strength determination is inherently present for detection to handoff calls the portable is in proximity of the car, col. 27, lines 15-27).

Regarding claims 49, and 63, Phillips in view of Turnbull teaches all the limitations above. Turnbull further teaches wherein the wireless device is a wireless telephone (col. 28, lines 43-44).

Regarding claim 50, Phillips in view of Turnbull teaches all the limitations above. Turnbull further teaches wherein the enabling operation of the wireless device in a hands-free mode is performed by the wireless device (col. 27, lines 15-20, and col. 36, lines 29-56).

Regarding claims 52, 57, Phillips in view of Turnbull teaches all the limitations above. Phillips further teaches wherein the determining is performed by a geonavigational positioning system ([0043] and [0083]).

Regarding claim 55, Phillips in view of Turnbull teaches all the limitations above. Turnbull further teaches wherein the enabling is performed by a microprocessor that controls the wireless telephone (col. 27, lines 15-20, and col. 36, lines 29-56).

Regarding claim 58, Phillips in view of Turnbull teaches all the limitations above. Phillips further teaches wherein at least one of the location systems is a GPS receiver ([0083]).

Regarding claims 65-70, and 74, Phillips in view of Turnbull teaches all the limitations above. Turnbull further teaches disabling non-hands-free operation of the mobile device if the positional relation indicates that the wireless device is located within the vehicle (col. 27, lines 15-20, and col. 36, lines 29-56).

4. Claims 71-73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 2003/0055560) in view of Turnbull further in view of Parvulescu et al. (US 6,687,497).

Regarding claims 71-73, and 75, Phillips in view of Turnbull teaches all the limitations except generating an interference to disrupt non-hands-free operation of the wireless device.

However, the preceding limitation is known in the art of communications. Parvulescu teaches a small transmitter built into the electric system of an environment, either stationary or potentially mobile, transmits a weak RF field capable of at least partially disabling a communication device in response to receiving a trigger. The trigger signal is generated by the electric system in response to the presence of one or more so-called "forbidden" conditions that require that the communication device be disabled (col. 2, line 59 to col. 3, line 15). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Parvulescu within the system of Phillips with Turnbull in order to disable a portion of the communication device while continually register with cells sites, and maintain communication with emergency personnel when needed.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN A. GELIN whose telephone number is (571)272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis G. West can be reached on (571) 272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean A Gelin/
Primary Examiner, Art Unit 2617
September 14, 2010